



2/24/03

KEG 2-001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
George Washington Baughman III , *et al.*)
Serial No. 09/955,417) Examiner Phi Dieu Tran A.
Filed: September 18, 2001) Group Art Unit: 3637
For: "Method and System for Presenting)
Merchandising at an Outdoor Paved)
Surface"

COMMISSIONER OF PATENTS AND TRADEMARK
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

DECLARATION UNDER 37CFR § 1.132

George Washington Baughman, III declares as follows:

- 1) That he is a citizen of the State of Ohio, having a residence at 833 Lake Shore Drive, Worthington, Ohio 43235;
- 2) That he is an inventor named in the above-identified application for United States Patent;
- 3) That his curriculum vitae is annexed hereto as Exhibit A;
- 4) That he has been advised that claims 1-17 as well as claims 18-26 have been rejected under Section 103 of the Patent Statute as being unpatentable over Pool, U. S. Patent No. 2,638,636 (Pool) in view of Feleppa, U. S. Patent No. 5,700,102 (Feleppa) and Thornton, U. S. Patent No. 3,673,720 (Thornton) and Reilley *et al.*, U. S. Patent No. 5,120,941 (Reilley *et al.*);
- 5) That the above application describes method for presenting merchandise outdoors upon a paved surface such as the parking lot of a retail facility which is typically considered to be an undesirable merchandising region with automobile derived dangers, effluvia and the like;
- 6) That Pool shows and describes a drive-through grocery with walls of grocery showcases disposed along a roadway extending to and through a sequence of order-cashier booths;
- 7) That Pool also discloses a parking lot 56 which is not employed in merchandising;
- 8) That Pool teaches a retailing approach which is sought to be avoided with the present invention;

- 9) That he has been advised that the Examiner has equated the order-cashier booths of Pool with the cash/wrap region claim component of the above application;
- 10) That the terms "cash/wrap" have a well established meaning in the retail merchandising trade and refer to a money collection and goods sacking or wrapping location which is not shown in Pool;
- 11) That there is no signage described in Pool;
- 12) That "niches" are described in Pool as showcases to display food products three dimensionally;
- 13) That it is well known that grocery store shelving holds food products generally without retail promoting signage;
- 14) That he has been advised that the Examiner has asserted that Feleppa at Fig. 83 shows a market place having a plurality of poles forming a retail area;
- 15) That Feleppa at Fig. 88 shows a frame supported shelter which appears as a tent with a roof having a sign above the roof indicating "produce";
- 16) That the signage of Feleppa cannot be seen from inside the tent and that the use of tents for outdoor retail merchandising has been considered undesirable and the signage utilized in conjunction with tent-based outdoor marketing generally is small and without resemblance to the signage utilized and claimed in the above-identified application;
- 17) That there is no indication in Feleppa as to what activities are undertaken within the tent shown at Fig. 88;
- 18) That Feleppa is not concerned with retail merchandising and has been improperly combined with Pool and, when considered with Pool, cannot suggest the instant invention as claimed;
- 19) That the shopper line of sight region described in claim 1 of the instant application is carefully defined with respect to the top of poles and overhead signage sight height, whereas Pool indicates a horizontal line of sight presumably through a car window;
- 20) That he has been advised that the Examiner has asserted that Reilley, et al., shows a retail area having bays with merchandise and signage (50) hanging from the signage support supporting merchandise information;
- 21) That Reilley, et al., describes "price channels" upon which small thin, tear-off sheets are mounted carrying UPC codes;
- 22) That Reilley, et al., has no signage hanging from a signage support and merely describes a shelf assembly for holding merchandise;

- 23) That Reilley, et al., is improperly combined with Pool and when considered with Pool, cannot suggest the instant invention as claimed;
- 24) That he has been advised that the Examiner has asserted that Thornton shows a plurality of poles extending into sleeves;
- 25) That Thornton shows two poles supporting a sign which is movable up and down;
- 26) That he has been advised that the Examiner has asserted that the poles of Thornton define a retail floor;
- 27) That the poles shown in Thornton show no retail floor and are not physically associated with any merchandise whatsoever;
- 28) That the Examiner has improperly combined Thornton with Pool and the remaining references;
- 29) That all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like, so made, are punishable by fine, or imprisonment, or both, under Section 1001 of Title 18, and that such willful false statements may jeopardize the validity of the application or any document resulting therefrom.
- Further Declarant sayeth naught.

Date 7/9/03


George Washington Baughman, III

**ADVANCED RESEARCH ASSOCIATES
833 LAKE SHORE DRIVE
COLUMBUS, OHIO 43235
PHONE/FAX 614-888-6887**

**G org W. Baughman
Business and Financial Advisor**

January 1, 2003

EDUCATION

Th Ohio State University

B.Sc. Psychology, 1959 - Dr. Lauren Wispe, Advisor

MBA Finance, 1961, - Leo D. Stone, LLB, CPA, Advisor

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- | | |
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| - Assoc. of American Universities | - NCHEMS (Higher Education Management Center) |
| - Battelle (Homeland Security) | - NACUBO (College & Univ. Business Officers) |
| - Berkeley (UCAL) | - National Science Foundation |
| - Clear Creek Foods (Poultry) | - OCLC |
| - Duramed (Pharmaceuticals) | - Ohio Board of Regents |
| - Farm Management, Inc. | - Ohio Civil Rights Commission |
| - Governors Export Council (Ohio) | - Osaka International University (Osaka) |
| - Harvard University (Computing) | - Title First, Inc. (Title Insurance Information Systems) |
| - IBM (Marketing) | - Volkswagen Foundation (W. Ger.) |
| - Mark Pi International (Retail Food) | - Westinghouse Electric (Learning Corp. & Electronic Systems Grp.) |

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Treasurer:

- Technology Information Exchange and Information Network, 1983-87
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- Eagle Exhibit Services, Inc., 1993 to date

BOARD POSITIONS AND OFFICES HELD

Business Organizations

Outdoor Marketing Solutions, LLC, Chairman 2002 to date

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Parkfield Insulation Services, Inc., (Secretary), 1998 to date

Take A Break, Inc. , 1997 to date

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PUBLICATIONS

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MEMBERSHIPS

American Association for the Advancement of Science
Buskers Columbus
Institute of Business Appraisers
The Ohio State University Presidents Club
The Ohio State University Alumni Assoc. (LM)
The Ohio State University Faculty Club
Press Club of Ohio
World Future Society

EXHIBIT

A

Baughman

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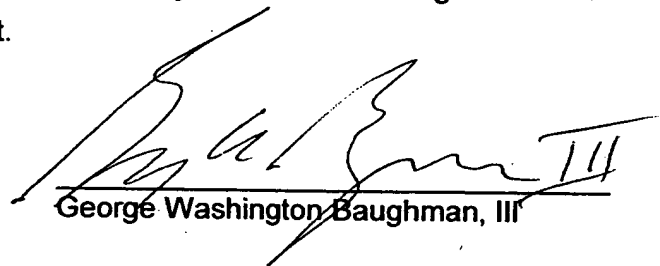
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